

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their undersigned counsel, and subject to this Court's approval that:

WHEREAS, on November 25, 2020, the Court entered as an order of the Court the parties' Stipulation and Order for Class Certification (Dkt. No. 298) (the "Certification Order");

WHEREAS, pursuant to the Certification Order, the Court certified a class consisting of “All individuals and entities who purchased or sold Tesla stock, options, and other securities from 12:48 p.m. EDT on August 7, 2018 to August 17, 2018 and were damaged thereby”<sup>1</sup> and appointed Glen Littleton and Levi & Korsinsky, LLP as Class Representative and Class Counsel, respectively (*id.* at ¶¶4-7);

WHEREAS, the Certification Order further ordered that within sixty (60) days the parties were required to submit this Stipulation and Proposed Order setting forth the agreed-upon form,

<sup>1</sup> Excluded from the Class are: Defendants; the officers and directors of Tesla, Inc. at all relevant times; members of their immediate families and their legal representatives, heirs, successors, or assigns; and any entity in which Defendants have or had a controlling interest.

1 content, and method of providing the notices to be disseminated to the Class pursuant to Federal  
2 Rule of Civil Procedure 23(c)(2)(B) (*id.* at ¶11);  
3

4 WHEREAS, on January 14, 2021, the Court, having been notified during a case  
5 management conference that the parties had scheduled a mediation for March 9, 2021, stayed  
6 the publishing of Class Notice until after March 9, 2021 (Dkt. No. 306);  
7

8 WHEREAS, on April 15, 2021, the Court, having been notified that the parties did not  
9 reach a settlement, ordered the proposed Class Notice and plan to be submitted by May 6, 2021  
(Dkt. No. 317);  
10

11 NOW, THEREFORE, having met and conferred, the parties have agreed to, and  
12 respectively submit for approval by the Court, the following:  
13

- 14 1. The proposed methods and schedule for notifying the Class of the pendency of the  
15 above-captioned action (“Action”) as a class action (“Notice Plan”) (attached hereto  
16 as Exhibit 1), and the proposed Postcard Notice of Pendency of Class Action  
17 (“Postcard Notice”), Summary Notice of Pendency of Class Action (“Summary  
18 Notice”), and Notice of Pendency of Class Action (“Notice”), attached to the Notice  
19 Plan as Exhibits B, C, and D, respectively, meet the requirements of Rule 23 and due  
20 process, constitute the best notice practicable under the circumstances, and shall  
21 constitute due and sufficient notice to all persons and entities entitled thereto;  
22
- 23 2. Specifically, the proposed form and content of the Postcard Notice, Summary Notice,  
24 and Notice meet the requirements of Rule 23(c)(2)(B), as they clearly and concisely  
25 state in plain, easily-understood language all of the following: (a) the nature of this  
26 Action; (b) the definition of the Court-certified Class; (c) the Class claims, issues, or  
27 defenses; (d) a Class member’s right to enter an appearance through his, her, or its  
own attorney if the Class member so desires; (e) that the Court will exclude from the  
Class any Class member who requests exclusion; (f) the time and manner for  
requesting exclusion; and (g) the binding effect of a Class judgment on Class  
28

1 members under Rule 23(c)(3);  
2  
3 3. The Court hereby approves the method for disseminating notice to the Class as set  
4 forth in the Notice Plan and the form, substance, and requirements of the Postcard  
5 Notice, Summary Notice, and Notice. Accordingly, Class Representative is to  
6 disseminate notice to the Class using the methods set forth in the Notice Plan with  
7 the assistance of Class Representative's proposed Notice Administrator, which the  
8 Court approves;  
9  
10 4. Nothing herein shall restrict Defendants' rights in this Action, which could include  
11 moving to de-certify the Class, in whole or in part, or seeking the exclusion from the  
12 Class of certain entities or individuals at a later date.

13 **IT IS SO STIPULATED**, through Counsel of Record.

14 Dated: May 6, 2021

COOLEY LLP

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Dated: May 6, 2021

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*Attorneys for Lead Plaintiff Glen Littleton and  
Lead Counsel for the Class*

1 Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation and  
2 Proposed Order.

3 Dated: May 6, 2021

4 LEVI & KORSINSKY, LLP

5 By: s/ Adam M. Apton  
6 Adam M. Apton

7 Pursuant to the Stipulation, **IT IS ORDERED.**

8 Dated:

9  
10 HON. EDWARD M. CHEN  
11  
12 UNITED STATES DISTRICT JUDGE